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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,297	06/24/2003	Lawrence C. Gunn III	LUX-P005	6471
7590 07/13/2005 Fernandez & Associates, LLP PO Box D Menlo Park, CA 94026-6402			EXAMINER KALIVODA, CHRISTOPHER M	
			ART UNIT 2883	PAPER NUMBER

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/606,297

Applicant(s)

GUNN ET AL.

Examiner

Christopher M. Kalivoda

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on March 29, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-6,10-12 and 14-18 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2,3,7-9 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date May 12, 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Invention I, Group I, Claims 1-18, in the reply filed on March 29, 2005 is acknowledged. However, there were no arguments provided. The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specifically, the abstract is too long.

### ***Claim Objections***

Claims 2, 3, 7-9 and 13 are objected to because of the following informalities:

Regarding claim 2, line 2, the reference to "a layer of monocrystalline silicon" should be clarified to indicate this is a second, lower layer (please see claim 3).

Regarding claim 3, line 3, there is no prior reference to "the lower layer of monocrystalline silicon".

Regarding claim 7, line 2, there is no prior reference to "the top layer of silicon".

Regarding claim 8, line 2, there is no prior reference to "the top layer of the substrate".

Regarding claim 9, line 2, there is no prior reference to "the sidewall passivation".

Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer the other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 13 not been further treated on the merits.

Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 1, 4-6, 10-12 and 14-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Independent claim 1 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious a cladding comprised of a plurality of dielectric materials where at least one of the plurality of dielectric materials is comprised of a salicide block layer in combination with the rest of the limitations of the base claim. As noted on page 11, lines 5-7, the salicide blocking layer is used to protect the core from a light blocking deposition of metallic cobalt salicide and deemed critical.

Claims 4-6, 10-12 and 14-18 depend on claim 1 and therefore they are also allowed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication 2003/0063885 to Gunn teaches a core of monocrystalline silicon on the same substrate as a transistor and the core and silicon body of the transistor are formed of the same layer of monocrystalline silicon. EP 0 595 080 to Halbout et al. and WO03/107051 to Assefa et al. were cited on the IDS but no copies were in the file. In addition, WO03/107051 is not considered as prior art due to the publication date. The references are all silent with respect to the cladding comprised of a plurality of dielectric materials where at least one of the plurality of dielectric materials is comprised of a salicide block layer.

This application is in condition for allowance except for the following formal matters: The abstract being too long and the objections to the claims described above.


Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Kalivoda whose telephone number is (571) 272-2476. The examiner can normally be reached on Monday - Friday (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cmk  
07/06/05

  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800